

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GERALDINE TRICE,  
Plaintiff(s),

LIBERTY MUTUAL INSURANCE  
COMPANY,  
Defendant(s).

Case No.: 2:20-cv-02139-KJD-NJK

## Order

[Docket Nos. 19, 27, 28]

Pending before the Court are the parties' competing discovery plans. Docket Nos. 27-28. Pending before the Court is Plaintiff's motion to stay proceedings. Docket No. 19; *see also* Docket No. 22.<sup>1</sup> Defendant construed that motion as seeking a stay of discovery and filed a response in opposition. Docket No. 23. Plaintiff filed a reply. Docket No. 24.<sup>2</sup> The discovery and the motion to stay are properly resolved without a hearing. *See* Local Rule 78-1. For the reasons discussed more fully below, Plaintiff's motion to stay discovery (Docket No. 19) is DENIED, Defendant's discovery plan (Docket No. 28) is **GRANTED in part**, and Plaintiff's discovery plan (Docket No. 27) is **DENIED**.

## I. MOTION TO STAY

The first issue before the Court is Plaintiff's motion to stay discovery.<sup>3</sup> The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681,

<sup>1</sup> The Court construes Plaintiff's filings liberally. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

<sup>2</sup> Plaintiff's reply exceeds the page limits. *See* Local Rule 7-3(b). The Court has considered the reply in this instance, but Plaintiff must comply with all governing rules moving forward.

<sup>3</sup> Given the procedural posture of the case and the arguments presented, the Court treats Plaintiff's motion as seeking a stay of discovery.

1 685 (9th Cir. 1988). “[A] party seeking a stay of discovery carries the heavy burden of making a  
 2 strong showing why discovery should be denied.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597,  
 3 601 (D. Nev. 2011). In deciding whether to grant a stay of discovery, the Court is guided by the  
 4 objectives of Rule 1 to ensure a just, speedy, and inexpensive determination of every action. *Kor*  
 5 *Media Grp., LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). It is insufficient to seek a stay  
 6 of discovery based on a showing that “discovery may involve some inconvenience and expense.”  
 7 *Turner Broadcasting, Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997).

8 Plaintiff proffers two bases for staying discovery in this case. First, she seeks a stay of  
 9 discovery pending resolution of her motion to remand. *See* Docket No. 22 at 5-6. The motion to  
 10 remand has now been resolved. Docket No. 26. As such, this aspect of Plaintiff’s motion to stay  
 11 discovery is properly denied as moot.

12 Second, Plaintiff seeks a stay of discovery pending completion of a criminal investigation.  
 13 *See* Docket No. 22 at 4-5. Defendant opposes this aspect of the motion based on the lack of  
 14 evidence that any such criminal investigation is actually ongoing and that any such investigation  
 15 does not bear directly on the issues raised in this case. *See* Docket No. 23 at 3. The Court agrees  
 16 with Defendant that staying discovery on this basis is not warranted. Most notably, Plaintiff has  
 17 provided documentation requesting a criminal investigation but has not demonstrated that any such  
 18 investigation is underway. *See, e.g.*, Docket No. 22 at 11. Indeed, Plaintiff’s exhibits suggest that  
 19 a criminal investigation is not underway. *See id.* at 15 (letter from Plaintiff to the Department of  
 20 Justice indicating that she has “not received any response from [her] complaints to these  
 21 agencies”). As such, delaying discovery on this ground is not warranted.

22 In light of the above, Plaintiff has not met her burden of showing a stay of discovery is  
 23 appropriately imposed and her motion will be denied.

24 **II. DISCOVERY PLANS**

25 Next before the Court are the parties’ competing discovery plans. Plaintiff’s discovery  
 26 plan seeks a delay in setting any deadlines pending resolution of a criminal investigation. *See*  
 27 Docket No. 27 at 4. Defendant’s discovery plan seeks entry of deadlines pursuant to the default  
 28 schedule provided in the local rules. Docket No. 28 at 6-7. The Court largely agrees with the

1 schedule proposed by Defendant with a modification to the deadline to amend the pleadings given  
2 that the proposed deadline has now expired and a modification to the initial disclosure deadline  
3 that is imminent.

4 Accordingly, Defendant's discovery plan is **GRANTED** in part and Plaintiff's discovery  
5 plan is **DENIED**. Deadlines are hereby **SET** as follows:

- 6 • Initial disclosures: March 8, 2021
- 7 • Amend pleadings/ add parties: March 15, 2021
- 8 • Initial experts: March 29, 2021
- 9 • Rebuttal experts: April 28, 2021
- 10 • Discovery cutoff: May 26, 2021
- 11 • Dispositive motions: June 25, 2021
- 12 • Joint proposed pretrial order: July 26, 2021, or 30 days after resolution of dispositive  
13 motions

14 **III. CONCLUSION**

15 For the reasons discussed more fully above, Plaintiff's motion to stay discovery (Docket  
16 No. 19) is **DENIED**, Defendant's discovery plan (Docket No. 28) is **GRANTED in part**, and  
17 Plaintiff's discovery plan (Docket No. 27) is **DENIED**.

18 IT IS SO ORDERED.

19 Dated: March 1, 2021

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21 Nancy J. Koppe  
22 United States Magistrate Judge

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